



STATE OF WASHINGTON
HUMAN RIGHTS COMMISSION

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Don Pierce, Executive Director
Washington Association of Sheriffs
and Police Chiefs
3060 Willamette Drive, NE Suite 200
Lacey, WA 98516

Dear Don:

At our meeting awhile back, we agreed to keep one another informed of matters of mutual interest that arose. It has come to our attention that there may be some confusion among the members of the Washington Association of Sheriffs and Police Chiefs (WASPC), about the rights of people with disabilities to bring their service animals into businesses. Both the Americans with Disabilities Act (ADA) and the Washington State Law Against Discrimination (WLAD), RCW 49.60, prohibit discrimination against people with disabilities and require that businesses allow people with disabilities, accompanied by their trained service animals, access to their premises. As the state agency responsible for enforcing the WLAD, we receive complaints from the public indicating that law enforcement agencies, both urban and rural, may need further education on this subject.

Sometimes, members of your association are called for advice by businesses when they encounter a person with a disability who uses a service animal. Relations between the business and the customer or patron are sometimes strained and can even become heated. At these times, your members might be called. We have been told of a number of instances when your members and their law enforcement officers have given the wrong advice to business owners and managers. This wrong advice has included the idea that businesses can prohibit service animals on their premises. Sometimes a few of your members have even threatened to arrest the person with a disability for trespass when the service animal was brought onto the premises.

The WLAD is clear. It states, in part that "It shall be an unfair practice for any person or the person's agent or employee to commit an act which directly or indirectly results in any distinction, restriction, or discrimination, or the requiring of any person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement, except for conditions and limitations established by law and applicable to all persons, regardless of race, creed, color, national origin, sex, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a disabled person...": (RCW 49.60.210). A copy of the WLAD is also enclosed for your easy reference.



The service animal has to meet certain behavior standards, of course. These include sanitary ones, lack of violent behavior, and not creating a disruption through unnecessary barking, for example. In addition, the service animal must be under the control of its owner at all times. There is no requirement for the business to provide defecation, food, or water facilities for the animal, except that the business may not prevent the owner from giving the animal water in rest facilities.

Service animals do not have to be certified or be documented. The person with a disability does not have to prove to the business or to your members that they need the service animal. The person with a disability should not be separated from his/her service animal. A service animal is not a pet or a companion animal. Access rules pertaining to pets do not apply to service animals. Some users of service animals may have difficulty communicating with and understanding law enforcement officers. At these times, LEOs must show sensitivity, compassion, and understanding. When encountering a deaf person, for example, they should immediately obtain sign language translation services.

In issuing this advice, we do not mean to attempt to put artificial limits on the arrest powers of local police and sheriff's departments. However, other state laws may not be implemented in a way that discriminates against people with disabilities. We urge you to communicate this advice to your members. It would probably also be helpful for them to know that service animals come in many different species, and are not limited to seeing eye dogs. For example, some people with seizure disorders, and some deaf people use service animals. It is important not to let pre-conceptions or stereotypes get in the way of providing good public service. Rather than risk giving wrong information, your members are always welcome to call our offices, and to refer people to our website. They may want to include this letter and the attached Department of Justice guidance in their standard operating procedure books.

Enclosed with this letter is a copy of the U.S. Department of Justice's guidance, "Commonly Asked Questions about Service Animals in Places of Business". You can also access this document at <http://www.usdoj.gov/crt/ada/gasrvc.htm>. We would appreciate it if you would distribute the attached DOJ guidance to your members and suggest that they follow it. You can access our web-site at www.hum.wa.gov for more information on the WLAD.

We also welcome the opportunity to provide training and technical assistance as needed and will be happy to discuss this and other civil rights matters at WASPC conferences, law enforcement officer training academies and sessions, and other venues. Thank you for your attention to this matter. Please let us know if you have any questions or need further information.

Sincerely,



Marc Brenman
Executive Director

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